IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

COMPANY PETITION No.727/2003.

M/s Pioneer Asia Packaging
(P) Ltd. Petitioner.

V/s.

M/s. Kasturi Fine Foods India (P) Ltd
..Respondent.

Mr Nikhil Fernandes i/b Bilawalla & Co. for the Petitioner.

None for the Respondent.

CORAM: V.C. DAGA,J.

DATED: 14TH FEBRUARY,2007.

P.C.:-

1. Heard the learned counsel for the petitioner. Perused petition.

2. The petitioner has invoked the jurisdiction of this Court under Sections 433 read with Section 434 (1)(A) of the Companies Act, 1956 for winding up of the respondent company.

3. Invoices are brought on record. The details of which are incorporated in para no. 7 of the petition. The petitioner Company has demanded debt from the respondent from time to time. Since there was no response, the statutory notice was issued to the

respondent-company calling upon it to pay outstanding dues within 21 days. Thus, the respondent company was served with the statutory notice. Inspite of receipt of statutory notice neither there is any reply nor any amount towards liability was paid by the respondent company.

4. In the above backdrop, this winding up is filed by the petitioner to wind up the respondent company. The respondent was served with the notice of this petition. However, it chose to remain absent. Consequently, it is clear that the respondent company has neglected to pay outstanding dues to the petitioner company. All the allegations made in the petition have gone unchallenged. The petitioner has made out a case to invoke the jurisdiction under Section 434 (1)(a) of the Companies Act, 1956. Under these circumstances, the respondent company is liable to be wound up.

5. In the result, the petition is made absolute in terms of prayer clause (a) with no order as to costs.

(V.C.DAGA,J)